

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

IN RE:  CLIFTON GREEN,  Debtor.	Chapter 7  Bk. No. 21-81181-CRJ-7
CLIFTON GREEN,  Plaintiff,  v.  THE HEALTHCARE AUTHORITY OF THE CITY OF HUNTSVILLE, and MEDICREDIT, INC.,  Defendants.	Adv. Case No. 21-80105-CRJ

**DEFENDANT THE HEALTHCARE AUTHORITY OF THE CITY OF HUNTSVILLE'S  
ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S ADVERSARIAL  
COMPLAINT**

Defendant, The Healthcare Authority of the City of Huntsville answers plaintiff's Adversary Complaint ("Complaint") as follows:

**COMPLAINT**

No response is required to plaintiff's opening paragraph.

**Parties, Jurisdiction, and Nature of Action**

1. Admitted.
2. Admitted.
3. Admitted.

4. The allegations in paragraph 4 of the complaint contain conclusions of law to which no response is required. To the extent an answer is required, denied.

5. This defendant admits the allegations in the first paragraph. In response, to the second paragraph, this defendant admits that certain damages are allowable under 11 U.S.C. § 362 for violations of the automatic stay. Except as expressly admitted, the allegations in paragraph 5 of the Complaint are denied.

**Claim — Violation of the Automatic Stay**

6. This defendant incorporates each and every response to the preceding paragraphs as if set forth herein.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted.

12. Admitted.

13. This defendant is without sufficient knowledge or information to admit or deny the allegations in paragraph 13 of the Complaint. Accordingly, such allegations are denied.

14. Denied.

15. This defendant admits that certain damages are allowable under 11 U.S.C. § 362 for violations of the automatic stay. This defendant denies that it willfully and intentionally violated the automatic stay. This defendant denies that plaintiff is entitled to punitive damages. This defendant denies that it lacks the proper systems and procedures to prevent automatic stay violations. This defendant likewise denies that it disregards federal law and the orders of this Court.

16. This defendant is without sufficient knowledge or information to admit or deny the allegations of paragraph 16 of the Complaint. Accordingly, all such allegations are denied.

In response to the request for relief, this defendant states that to the extent the Court determines that plaintiff is entitled to recover for defendants' violation of the automatic stay, plaintiff's damages should be limited to the reasonable attorneys' fees incurred in this adversary proceeding.

### **AFFIRMATIVE DEFENSES**

Upon information and belief and subject to further investigation and discovery, this defendant alleges the following defenses without assuming the burden of proof where such burden is otherwise on plaintiff:

#### **FIRST AFFIRMATIVE DEFENSE**

Plaintiff has failed to state a claim upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

Plaintiff's claims of physical injury are barred by the principles of Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993) and its progeny. This defendant demands strict medical proof of plaintiff's claims of medical injury.

#### **THIRD AFFIRMATIVE DEFENSE**

This defendant reserves the right to assert additional defenses upon further particularization of plaintiff's claims and upon discovery of further information concerning plaintiff's alleged claim and upon the development of other pertinent information.

Respectfully submitted, this the 18th day of October, 2021.

S/Andrew M. Townsley

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Attorney for Defendant The Healthcare  
Authority of the City of Huntsville

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been filed this 18th day of October 2021, via CM/ECF, which will electronically notify all counsel of record. I do certify that a copy of the foregoing was emailed to Plaintiff's counsel at the following:

John C. Larsen, Esq.  
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S/Andrew M. Townsley

Andrew M. Townsley